

SEALED

UNITED STATES DISTRICT COURT

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

JUL 13 2017

for the
Western District of Virginia

JULIA C. DUDLEY, CLERK
BY: *A. Blaylock*
DEPUTY CLERK

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

1436 Eads Avenue,
Bristol, VA

Case No. 1:17-mj-136

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Western District of Virginia (identify the person or describe property to be searched and give its location): 1436 Eads Avenue, Bristol, VA (to include the residence, curtilage, outbuildings, structures, campers, persons present, vehicles present, and vehicles in the immediate vicinity of the residence provided the keys to or operators of said vehicles are located on the premises). Attachment A consists of a photograph of the residence.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 21 U.S.C. § 846/841(a)(1), and the application is based on these facts: See Attachment C and/or 841(a)(1)

☒ Continued on the attached sheet.

☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Brian Snedeker
Applicant's signature

Brian Snedeker, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

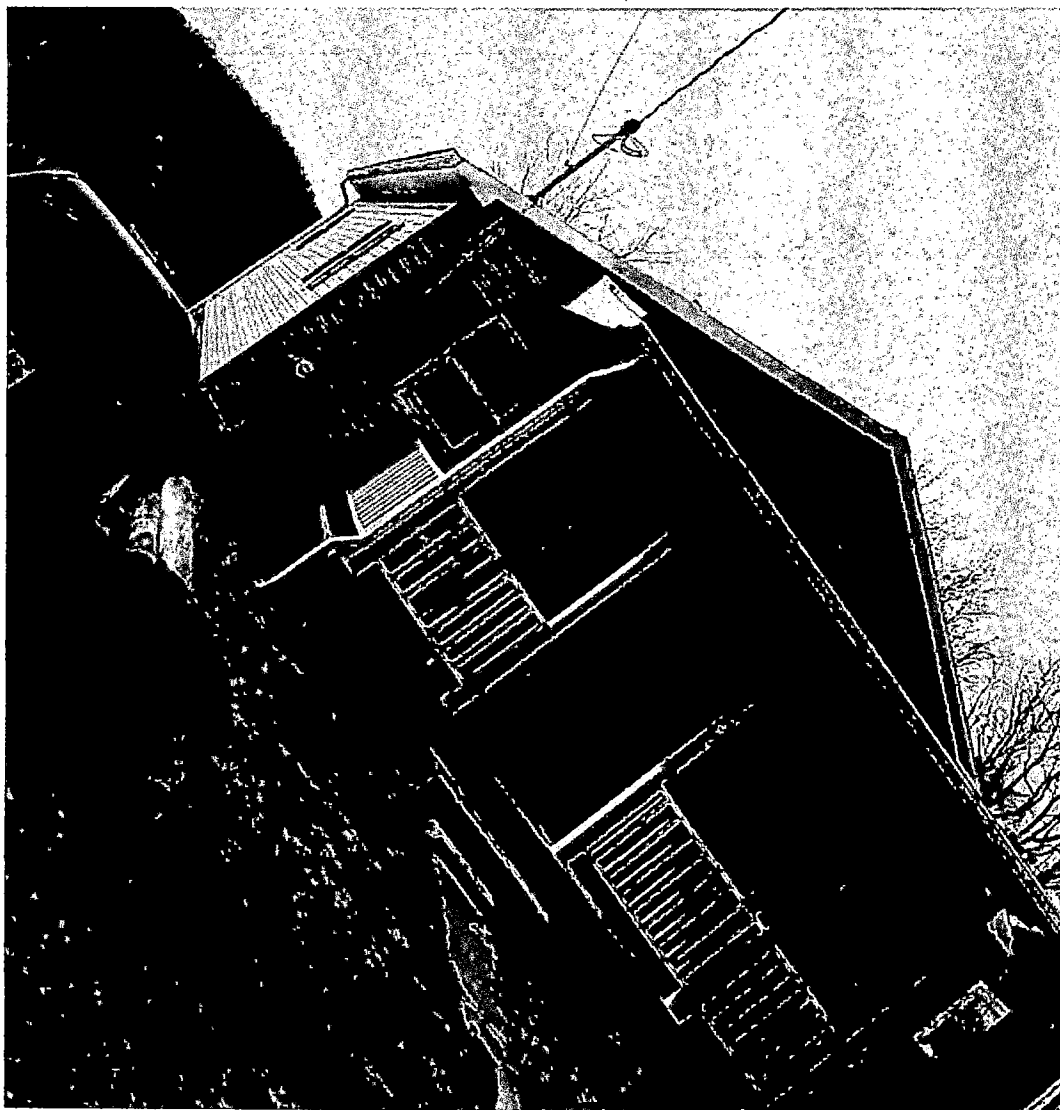
7/13/17

Pamela Meade Sargent
Judge's signature

City and state: Abingdon, Virginia

Pamela Meade Sargent, USMJ
Printed name and title

ATTACHMENT A



1436 Eads Avenue, Bristol, VA

ATTACHMENT B

1. Methamphetamine laboratory precursors, chemicals, and equipment (and original packaging of same) including the following: pseudoephedrine, ammonium nitrate (e.g. instant cold packs), lithium (e.g. batteries containing lithium), sodium hydroxide (e.g. Red Devil Lye), petroleum ether/petroleum naphtha/white gas (e.g. Coleman Fuel, lighter fluid), muriatic acid, sulfuric acid, table salt, aluminum foil, plastic soda bottles (empty or no longer containing original contents), glass mason jars, plastic food storage containers, Ziplock-type plastic bags, plastic tubing, electrical tape and/or duct tape, coffee filters, pipe cutters (used to cut open lithium batteries), electric hot plates/electric skillets, frying pans, razor blades, digital scales, funnels, and stirring utensils.
2. Unidentified powders (processed/semi-processed precursors, chemicals).
3. Glass jars and plastic bottles/storage containers filled with unidentified liquids or sludges (processed/semi-processed precursors and other unidentified mixtures related to the manufacturing of methamphetamine)
4. Devices used to communicate with methamphetamine manufacturing co-conspirators including cellular telephones and two-way radios; electronic equipment used for counter-surveillance to include scanners, anti-bugging devices, and video surveillance cameras/systems.
5. Firearms, including but not limited to handguns, rifles, and shotguns that are commonly used by individuals to protect clandestine methamphetamine manufacturing related operations and controlled substances.
6. Books, receipts, ledgers, notes, and videos pertaining to the illicit manufacturing of methamphetamine and the purchasing, transporting, and preparation of methamphetamine precursors, chemicals, and equipment.
7. Messages/letters, telephone numbers/call records/contact information, names, and addresses relating to the illicit manufacturing of methamphetamine and the purchasing, transporting, and preparation of methamphetamine precursors, chemicals, and equipment. These messages/letters, telephone numbers/call records/contact information, names, and addresses may be written on personal calendars, personal address/telephone books, Rolodex type indices, notebooks, loose pieces of paper, and found in mail.
8. Photographs and videos depicting persons involved with/engaged in the manufacturing/use of methamphetamine and/or the purchasing, preparing, transporting, and storing of methamphetamine laboratory precursors, chemicals, and equipment.

ATTACHMENT B (Continued)

9. Items or articles of personal property tending to show ownership, dominion, or control of the premises/property/vehicles. Such items or articles include (but are not limited to) personal identification, personal correspondence, diaries, checkbooks, notes, photographs (including digital), keys, receipts, personal telephone and address books, videos, and motor vehicle related documents (titles/registrations).
10. Many of the items listed in Paragraphs 6 through 9 are commonly stored in/on digital media. Therefore, digital media (including but not limited to computers/computer hard drives, floppy disks, CD's, flash/jump drives, personal digital assistants (PDA's), cellular/smart telephones, digital cameras, DVRs, iPODs, iPADS, etc.) are to be seized and examined specifically for the items listed in Paragraphs 6 through 9.

ATTACHMENT C

AFFIDAVIT of
Special Agent Brian Snedeker
Drug Enforcement Administration
Bristol, Virginia

1. I, Special Agent Brian Snedeker, being duly sworn hereby depose and say:
2. The purpose of this application and affidavit is to secure a search warrant for the premises known as 1436 Eads Avenue, Bristol, VA. This affiant, after obtaining and reviewing information, believes there is evidence of conspiracy to manufacture methamphetamine and/or manufacturing methamphetamine at 1436 Eads Avenue, Bristol, VA in violation of 21 USC 846/841(a)(1) and 841(a)(1).
3. I am a Special Agent with the Drug Enforcement Administration (DEA) and have been so employed for approximately (26) years. During my employment I have received comprehensive classroom training from the Drug Enforcement Administration in specialized narcotic investigative matters including but not limited to drug interdiction, drug detection, money laundering techniques and schemes, smuggling, and the investigation of individuals and organizations involving the smuggling, cultivation, manufacturing, and illicit trafficking of controlled substances and controlled substance precursors. I am a graduate of both the DEA's Clandestine Laboratory Investigation/Safety Certification Program and the DEA's Clandestine Laboratory Site Safety Officer School. I have participated in the execution of more than (300) narcotics related search warrants and the seizure and dismantling of more than (200) clandestine methamphetamine laboratories. I have testified as an expert on multiple occasions in Federal Court and State Court regarding the clandestine manufacturing of methamphetamine.
4. The facts set forth in this affidavit are known to me as a result of my personal participation in the investigation of Michael Mercer, Thomas Andrews, Harrison Rodney Mercer, and Bobby White, and information provided to me by other law enforcement officers and a retail store employee/manager.
5. The manufacturing of methamphetamine (a Schedule II Controlled Substance) by way of the ammonium nitrate/lithium metal method (also known as the "shake and bake" or "one pot" method) requires pseudoephedrine/ephedrine (obtained through the processing of cold/allergy pills, tablets, gelcaps, and liquids containing pseudoephedrine or ephedrine), ammonium nitrate (found in instant cold packs), and lithium metal (found in lithium batteries). Other chemicals/ingredients commonly used during the ammonium nitrate/lithium metal method include sodium hydroxide (e.g. Red Devil Lye), petroleum ether/petroleum naphtha/white gas (e.g. Coleman Fuel, lighter fluid), acetone, muriatic acid, sulfuric acid, table salt, and aluminum foil. Equipment/tools commonly used during the manufacturing of methamphetamine include soda bottles, glass mason jars, plastic food storage containers, plastic tubing, electrical tape and/or duct tape, coffee filters, pipe cutters (often used to open lithium batteries), Ziplock-type plastic bags, frying pans/electric skillet/propane burners (to dry the methamphetamine), razor blades, digital scales, funnels, and stirring utensils.

6. Individuals who manufacture methamphetamine usually use and sell/trade the methamphetamine they manufacture. These manufacturers routinely have other persons (hereafter referred to as "shoppers") assist them in the purchasing of precursors, chemicals, and equipment/supplies needed to manufacture methamphetamine. Manufacturers will regularly pay shoppers in methamphetamine (to use and sell) and/or cash for their assistance.
7. Individuals who are involved with the manufacturing of methamphetamine often purchase/attempt to purchase unusually large quantities of pseudoephedrine. Such purchases/attempted purchases often occur when the individual should have a day to multi-day supply of pseudoephedrine left over from the most recent purchase if said individual was taking the maximum dosage pursuant to dosage instructions. Individuals involved with the manufacturing of methamphetamine oftentimes purchase instant cold packs (ammonium nitrate) on or about the same dates they purchase pseudoephedrine.
8. On March 24, 2016, this affiant executed a search warrant at the residence of an individual hereafter referred to as "Person A". A portion of the probable cause leading to the acquisition of the search warrant for Person A's residence included information regarding the purchasing of instant cold packs and pseudoephedrine by Person A and Person A's co-habitant. Items seized from a wood burning stove inside the residence included reaction vessel ("cook bottle") waste, instant cold pack packaging, a drink bottle cap with a hose inserted through the top (acid gas generator hose/connection), (2) rinsed acid gas generator bottles, and a January 21, 2016 receipt for pseudoephedrine. Person A advised law enforcement that Person A and Person A's co-habitant purchased pseudoephedrine and other methamphetamine manufacturing related ingredients and supplied same to other methamphetamine manufacturers including an individual known as Mike Mercer. Person A advised that Mercer has manufactured methamphetamine at Person A's residence and Mercer keeps his methamphetamine lab inside of a duffle bag. This affiant reviewed and compared (to electronic pseudoephedrine log sales data) the information on the pseudoephedrine receipt seized from the wood burning stove and determined that the receipt was related to Michael Mercer's January 21, 2016 purchase of a (12) day supply of pseudoephedrine at the Abingdon, VA Walgreens Pharmacy. Person A guided law enforcement to Eads Avenue, Bristol, VA and pointed out the residence at 1436 Eads Avenue as being Michael Mercer's residence.
9. On 04-05-2016, law enforcement (with the assistance of a Bristol, VA waste management supervisor) secured the curbside trash can from 1436 Eads Avenue, Bristol, VA. A subsequent search of the can resulted in the discovery of mail addressed to Rodney Mercer [Harrison Rodney Mercer], lithium battery packaging, and empty container of lighter fluid, and an empty pseudoephedrine blister pack.
10. During June, 2016, Michael Mercer contacted law enforcement to report an assault. Mercer advised that he would meet law with enforcement (to report the assault) in front of the school located on Eads Avenue [the school property is across the street from 1436 Eads Avenue].
11. During February 2017, a Bristol Virginia Solid Waste Disposal Division supervisor advised this affiant that on (2) occasions since December 25, 2016, methamphetamine lab waste (to include multiple reaction/cook vessels, acid gas

generators, and ingredient packaging) was discovered dumped along/off a roadway approximately (250) yards from 1436 Eads Avenue, Bristol, VA. The last time the aforementioned methamphetamine laboratory waste was discovered was on 02-06-2017.

12. On 03-27-2017, this affiant reviewed pharmacy videos relating to the attempted purchase of pseudoephedrine by Thomas Andrews. The videos revealed that Andrews traveled to and from the pharmacy as a passenger in a distinctive (red rims and other features) red Honda car. Approximately (1½) hours after Andrews' attempted purchase, this affiant observed the red Honda parked in the driveway of 1436 Eads Avenue Bristol, VA and noted that Andrews was sitting on the front porch of the residence. The red Honda is registered James Ethen Mercer and another person.
13. At approximately 12:00pm on 03-28-2017, this affiant observed Thomas Andrews exit the residence at 1436 Eads Avenue and depart the neighborhood via bicycle. James Ethen Mercer's red Honda (reference ¶12 above) was parked in front of the residence.
14. On April 11, 2017, this affiant received a call from a retail store employee/manager of a store that sells instant cold packs containing ammonium nitrate. The employee/manager advised this affiant that Michael Mercer and Bobby White were purchasing instant cold packs (reference ¶15 below) from the store and travelling to and from the store in a green Isuzu Trooper with a Tennessee license plate. On April 27, 2017, this affiant drove by Bobby White's known residence in Bristol, VA and observed a green Isuzu Trooper with a Tennessee license plate parked in front of the residence. The vehicle is registered to Bobby White and another individual.
15. This affiant recently reviewed pseudoephedrine sales data provided by a number of retailers (as required under The Combat Methamphetamine Epidemic Act of 2005) and instant cold pack sales data provided by retailers who maintain such data and noted the following information related to Michael Mercer, Thomas Andrews, Harrison Rodney Mercer, James Ethen Mercer, and Bobby Ray White since January 2017 :
 - On 01-01-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
 - On 01-04-2017, Michael Mercer purchased a (10) day supply of pseudoephedrine.
 - On 01-05-2017, Thomas Andrews purchased an instant cold pack.
 - On 01-06-2017, Michael Mercer purchased an instant cold pack.
 - On 01-07-2017, Thomas Andrews purchased an instant cold pack.
 - On 01-10-2017, Thomas Andrews purchased an instant cold pack.

- On 01-13-2017, Michael Mercer purchased a (12) day supply of pseudoephedrine and an instant cold pack.
- On 01-14-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
- On 01-17-2017, Michael Mercer purchased an instant cold pack.
- On 01-22-2017, Thomas Andrews purchased an instant cold pack.
- On 01-23-2017, Michael Mercer attempted to purchase a (12) day supply of pseudoephedrine.
- On 01-24-2017, Thomas Andrews purchased an instant cold pack.
- On 01-25-2017, Michael Mercer purchased a (12) day supply of pseudoephedrine and an instant cold pack. Thomas Andrews purchased a (12) day supply of pseudoephedrine on this same date.
- On 01-27-2017, Thomas Andrews purchased an instant cold pack.
- On 01-30-2017, Thomas Andrews purchased an instant cold pack.
- On 02-03-2017, Michael Mercer purchased a (12) day supply of pseudoephedrine. Thomas Andrews purchased a (12) day supply of pseudoephedrine on this same date.
- On 02-12-2017, Thomas Andrews attempted to purchase a (12) day supply of pseudoephedrine. Thomas Andrews purchased an instant cold pack on this same date.
- On 02-13-2017, Michael Mercer purchased a (12) day supply of pseudoephedrine and an instant cold pack.
- On 02-14-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
- On 02-16-2017, Thomas Andrews purchased an instant cold pack.
- On 02-19-2017, Thomas Andrews purchased an instant cold pack.
- On 02-23-2017, Michael Mercer attempted to purchase a (12) day supply of pseudoephedrine. Thomas Andrews attempted to purchase a (12) day supply of pseudoephedrine on this same date.
- On 02-18-2017, Harrison Rodney Mercer purchased an instant cold pack.
- On 02-25-2017, Michael Mercer purchased a (12) day supply of pseudoephedrine.

- On 02-27-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine and an instant cold pack.
- On 02-28-2017, Michael Mercer purchased an instant cold pack.
- On 03-01-2017, Bobby White purchased a (12) day supply of pseudoephedrine.
- On 03-06-2017, Michael Mercer purchased an instant cold pack.
- On 03-07-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine and an instant cold pack.
- On 03-08-2017, Harrison Rodney Mercer purchased an instant cold pack.
- On 03-09-2017, Thomas Andrews purchased an instant cold pack.
- On 03-11-2017, Michael Mercer purchased a (12) day supply of pseudoephedrine and an instant cold pack.
- On 03-16-2017, Michael Mercer purchased an instant cold pack.
- On 03-18-2017, Bobby White purchased a (15) day supply of pseudoephedrine.
- On 03-20-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
- On 03-22-2017, Michael Mercer purchased a (12) day supply of pseudoephedrine.
- On 03-23-2017, Michael Mercer purchased an instant cold pack.
- On 03-27-2017, Michael Mercer purchased an instant cold pack. Thomas Andrews attempted to purchase a (3) day supply of pseudoephedrine on this same date.
- On 03-30-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
- On 03-31-2017, Michael Mercer purchased an instant cold pack.
- On 04-05-2017, Bobby White purchased a (12) day supply of pseudoephedrine.
- On 04-06-2017, Michael Mercer purchased an instant cold pack.
- On 04-07-2017, Bobby White purchased an instant cold pack.
- On 04-08-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.

- On 04-13-2017, Michael Mercer and Thomas Andrews each purchased an instant cold pack.
- On 04-15-2017, Bobby White attempted to purchase a (12) day supply of pseudoephedrine. Bobby White purchased an instant cold pack on this date.
- On 04-17-2017, Michael Mercer purchased a (12) day supply of pseudoephedrine.
- On 04-18-2017, Bobby White purchased a (12) day supply of pseudoephedrine.
- On 04-21-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
- On 04-20-2017, Michael Mercer purchased a (12) day supply of pseudoephedrine.
- On 04-25-2017, Thomas Andrews purchased an instant cold pack.
- On 04-27-2017, Thomas Andrews purchased an instant cold pack.
- On 05-02-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine and an instant cold pack.
- On 05-05-2017, Michael Mercer purchased an instant cold pack.
- On 05-08-2017, James Ethen Mercer ^{BCS PMS 7/13/17} Mercer purchased an instant cold pack.
- On 05-10-2017, Thomas Andrews purchased an instant cold pack.
- On 05-11-2017, Harrison Rodney Mercer purchased an instant cold pack.
- On 05-12-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
- On 05-16-2017, Bobby White purchased a (12) day supply of pseudoephedrine.
- On 05-19-2017, Thomas Andrews attempted to purchase a (12) day supply of pseudoephedrine.
- On 05-22-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
- On 05-29-2017, Harrison Rodney Mercer purchased an instant cold pack.
- On 06-01-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine and an instant cold pack.

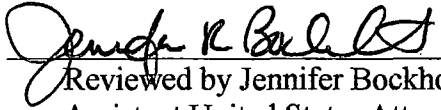
- On 06-05-2017, Thomas Andrews purchased an instant cold pack.
- On 06-12-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
- On 06-22-2017, Harrison Rodney Mercer purchased a (15) day supply of pseudoephedrine.
- On 06-27-2017, Thomas Andrews purchased a (12) day supply of pseudoephedrine.
- On 07-08-2017, Harrison Rodney Mercer purchased an instant cold pack.
- On 07-09-2017, Michael Mercer purchased an instant cold pack.

It should be noted that since 01-23-2017, all pseudoephedrine purchases and attempted purchases by Michael Mercer, Thomas Andrews, and Bobby White have occurred at the Walgreens pharmacy located at 1460 Lee Hwy, Bristol, VA (one of two pharmacies located across the street from each other nearest 1412 Eads Ave., Bristol, VA) with the exception of two purchases by Bobby White. All the purchases have been for Walgreens brand (48)-count (60mg)-pseudoephedrine tablets with the exception of two purchases by Bobby White and a (15) day supply of pseudoephedrine purchased by Harrison Mercer on 06-22-2017. It should also be noted that all the instant cold pack purchases made by Michael Mercer, Thomas Andrews, Harrison Rodney Mercer, and James Ethen Mercer since April 13, 2017, have occurred at the nearest retail store (selling ammonium nitrate based instant cold packs) to 1436 Eads Avenue, Bristol, VA.

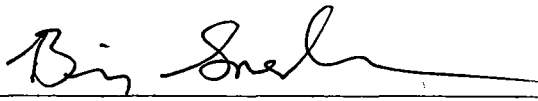
16. Pseudoephedrine and ammonium nitrate (instant cold packs) are key ingredients to the manufacturing of methamphetamine via the ammonium nitrate/lithium metal method. During the last several years, this affiant has routinely found and seized (via search warrants and consent searches) the aforementioned ingredients (and packaging of same) at methamphetamine manufacturing/precursor preparation sites. This affiant has encountered and seized said ingredients at such sites in various forms/stages (e.g. sludges/mixed with liquids) related to methamphetamine production and contained in a variety of glass and plastic containers days, weeks, and even months after the ingredients were purchased at pharmacies/retail stores.
17. On 06-23-2017, this affiant (accompanied by another officer) discovered a black trash bag along a roadway approximately 250 yards from 1436 Eads Avenue, Bristol, VA (the same area as described in ¶11 above). Upon examining the contents of the bag, this affiant found multiple instant cold packs (of the same brand sold by the nearest retail store to 1436 Eads Avenue, Bristol, VA that sells ammonium nitrate based instant cold packs) that had been cut open and the ammonium nitrate pellets removed, empty pseudoephedrine blister pack packaging, an airline hose through a hole in the top of a drink bottle cap (part of an acid gas generator utilized during the methamphetamine manufacturing process), and multiple bottles with sludge/residue consistent with ammonium nitrate/lithium metal method methamphetamine manufacturing reaction vessels and acid gas generators.

18. A review (by this affiant) of Michael Mercer's criminal history revealed multiple controlled substance related arrests and at least (1) felony conviction for possession of a controlled substance.
19. This affiant is aware based on his training, experience, and conversations with other law enforcement officers that individuals who illegally manufacture methamphetamine and/or conspire to do so typically maintain methamphetamine manufacturing precursors/chemicals/equipment (as described in paragraph #5 above) along with receipts / notes / records / telephone numbers (as they pertain to manufacturing/conspiracy to manufacture), and other items as listed and explained on Attachment B (of the Application and Affidavit for Search Warrant to which this affidavit is attached) on their persons, inside their residences, garages, outbuildings/barns, campers, vehicles (or the vehicles they operate), and inside of vehicles registered to other persons when those vehicles are parked at the manufacturer's/conspirator's residence/property.
20. Individuals who manufacture methamphetamine and/or conspire to do so routinely have persons who are methamphetamine users and/or additional co-conspirators (i.e. shoppers) present at their residences/properties. These users/co-conspirators often illegally possess methamphetamine and methamphetamine use paraphernalia and routinely possess notes, stored telephone numbers, and messages pertaining to their relationships with methamphetamine manufacturers / manufacturing co-conspirators. These users/co-conspirators are oftentimes in possession of other items as listed and explained on Attachment B (of the Application and Affidavit for Search Warrant to which this affidavit is attached) and possess these items on their persons and in their vehicles (or the vehicles they operate) which are oftentimes parked at the drug manufacturer's/co-conspirator's residences/properties.
21. The clandestine manufacturing of methamphetamine is an extremely dangerous process that involves the use of toxic, flammable, explosive, and incompatible chemicals. Explosions, fires, and toxic gasses generally pose the greatest threats to law enforcement officers executing search warrants at methamphetamine manufacturing sites. It is not uncommon for methamphetamine manufacturers to panic when they become aware of a law enforcement presence at a methamphetamine manufacturing site. As a result of their panic, methamphetamine manufacturers have been known to attempt to dispose of evidence of their manufacturing by throwing/pouring chemicals into toilets, bathtubs, and sinks before law enforcement can gain entry and secure the premises. The pouring/mixing of the various chemicals during the attempted disposal creates an increased risk of explosion, fire, and toxic gas exposure due to the nature of the chemicals involved. This affiant believes that the above presents reasonable suspicion that knocking and announcing the presence of law enforcement officers at the time of the execution of this search warrant would prove dangerous to the law enforcement officers involved in the execution of the search warrant.
22. Based upon the facts set forth above, I believe that there is probable cause for the issuance of a search warrant for the premises known as 1436 Eads Avenue, Bristol, VA (located within the Western District of Virginia) as there is probable

cause to believe that there is evidence of a violation of 21 USC 846/841(a)(1) and/or 841(a)(1) at said premises.

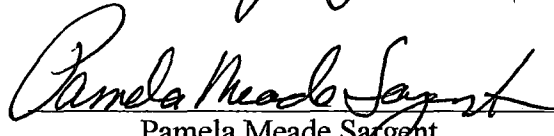

Reviewed by Jennifer Bockhorst
Assistant United States Attorney

7/13/2017
Date


Brian Snedeker, Special Agent (DEA)
Affiant

7-13-2017
Date

Subscribed and sworn to before me, this the 13th day of July, 2017
in Abingdon, Virginia.


Pamela Meade Sargent
United States Magistrate Judge
Western District of Virginia